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In re Application of ADEMA	:	
U.S. Application No.: 10/733,148	:	
PCT Application No.: PCT/NL01/00554	:	
Int. Filing Date: 19 July 2001	:	DECISION
Priority Date Claimed: 19 July 2000	:	
Attorney Docket No.: 0003150.0002	:	
For: SYSTEM FOR DISPENSING PORTIONS	:	
OF VARIOUS SUBSTANCES	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 12 December 2003.

BACKGROUND

On 19 July 2001, applicant filed international application PCT/NL01/00554, which claimed priority of an earlier Netherlands application filed 19 July 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 24 January 2002. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 19 January 2003.

International application PCT/NL01/00554 became abandoned as to the United States for failure to timely pay the basic national fee.

On 12 December 2003, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), the filing of a continuation application under 35 U.S.C. 111(a) is a proper reply.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the Office of Initial Patent Examination for further processing of the application as a continuation application filed under 35 U.S.C. 111(a).



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